

## UNITED STATES DISTRICT COURT

for the

District of New Jersey

United States of America

v.

Peter Baratta

Case No.

Mag. No. 21-mj-7044 (KMW)

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 19, 2020 -- August 6, 2020 in the county of Camden in the  
                     District of New Jersey, the defendant(s) violated:

*Code Section**Description of Offenses*

18 U.S.C. § 922(g)(1);

See Attachment A.

21 U.S.C. § 841(a)(1) and (b)(1)(A)  
(viii);21 U.S.C. § 841(a)(1) and (b)(1)(B)  
(viii)

This criminal complaint is based on these facts:

See Attachment B.

☒ Continued on the attached sheet.*SA Nicholas Singer**Complainant's signature*

Nicholas Singer, Special Agent, DEA

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

                     telephone                      (specify reliable electronic means).Date: 03/03/2021*Judge's signature*City and state: District of New Jersey

Hon. Karen M. Williams, U.S. Magistrate Judge

*Printed name and title*

CONTENTS APPROVED  
UNITED STATES ATTORNEY

By: /s/Jeffrey B. Bender  
Jeffrey B. Bender, Assistant U.S. Attorney

Date: March 3, 2021

**ATTACHMENT A**

**COUNT ONE**

(Possession of Firearm by a Convicted Felon)

On or about July 19, 2020, in Camden County, in the District of New Jersey and elsewhere, the defendant,

**PETER BARATTA,**

knowing that he had previously been convicted in a court of at least one crime punishable by a term of imprisonment exceeding one year, did knowingly possess (1) a Davis Industries P380 .380 caliber pistol bearing serial number AP413893; and (2) approximately 5 rounds of .380 caliber ammunition, and the firearm was in and affecting commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWO**

(Possession with Intent to Distribute More than 50 Grams of Methamphetamine)

On or about July 19, 2020, in Camden County, in the District of New Jersey and elsewhere, the defendant,

**PETER BARATTA,**

knowingly and intentionally possessed with intent to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(A)(viii).

**COUNT THREE**

(Possession with Intent to Distribute More than 5 Grams of Methamphetamine)

On or about August 6, 2020, in Camden County, in the District of New Jersey and elsewhere, the defendant,

**PETER BARATTA,**

knowingly and intentionally possessed with intent to distribute 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii).

**ATTACHMENT B**

I, Nicholas Singer, am a Special Agent with the Drug Enforcement Administration. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, photographs and video recordings of the evidence. Where statements of others are related herein, they are related in substance and part. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date and time, I am asserting that it took place on or about the date and time alleged.

1. On July 19, 2020, at approximately 11:55 p.m., a Berlin Borough Police Department officer in his marked patrol vehicle effected a traffic stop of a car that he observed swerving in its lane and nearly strike the patrol vehicle by changing lanes without signaling. The driver and sole occupant of the car was PETER BARATTA (hereinafter, "BARATTA").

2. The officer asked BARATTA for his driver's license, as well as the car's registration and proof of insurance. BARATTA claimed he did not have a valid license even though the officer soon determined that BARATTA indeed had a valid Pennsylvania driver's license. BARATTA also claimed that he did not know the location of the registration and proof of insurance because the car was his not his. BARATTA made no attempt to look for these items in the glovebox, which I know is a common place to keep such documents. The officer asked BARATTA to step out of the car. Soon thereafter, BARATTA consented to a search of the car, both verbally and in writing.

3. During a search of the car, the officer used the ignition key to unlock the glove box, after which the officer recovered from the glove box: (1) a Davis Industries P380 .380 caliber pistol bearing serial number AP413893; (2) a magazine loaded with approximately 5 rounds of .380 caliber ammunition; and (3) a camouflaged pattern bag containing, among other items, more than 5 ounces of suspected crystal methamphetamine. Later testing by a DEA laboratory confirmed that the crystal methamphetamine was 94% purity and contained 134.9 grams of pure methamphetamine hydrochloride, a salt form of methamphetamine. Officers arrested BARATTA; he was released pending trial.

4. On August 6, 2020, at approximately 9:39 p.m., a different Berlin Borough Police Department officer in his marked K-9 patrol vehicle effected a traffic stop of a car that the officer observed swerving both in its lane and into another lane. The driver and sole occupant of the car was BARATTA. The car had previously been rented on August 4, 2020 using the peer-to-peer rental application Turo.

5. After BARATTA declined the officer's request for BARATTA's consent to search inside the car, the officer proceeded to have his K-9 partner walk around the exterior of the car. After the K-9 gave a positive alert for the presence of narcotics, officers proceeded to conduct a probable cause search of the car. During their search, officers located next to the front center console a small clear plastic bag

consistent with drug packaging that contained a white powder residue. Officers also located a locked duffle bag in the trunk from which officers could smell the odor of marijuana emanating. Upon cutting open the bag, officer recovered a camouflaged pattern bag similar in size to the one found during the prior traffic stop, and a variety of controlled substances, including approximately one ounce of suspected crystal methamphetamine. Later testing by a DEA laboratory confirmed that the crystal methamphetamine was 99% purity and contained 25.8 grams of pure methamphetamine hydrochloride, a salt form of methamphetamine. Officers arrested BARATTA.

6. On June 6, 2012, BARATTA was sentenced after being convicted in Pennsylvania Court of Common Pleas, Jefferson County, of second-degree felony burglary, in violation of Title 18 Pa.C.S.A. § 3502(a), a crime punishable by imprisonment for a term exceeding one year. BARATTA was sentenced to a term of imprisonment of 1 year minus 1 day to 2 years minus 1 day.

7. On April 1, 2016, BARATTA was sentenced after being convicted in Pennsylvania Court of Common Pleas, Philadelphia County, of first-degree felony burglary, in violation of Title 18 Pa.C.S.A. § 3502(a)(1), a crime punishable by imprisonment for a term exceeding one year. BARATTA was sentenced to a term of imprisonment of 9 to 23 months.

8. Evaluation of the firearm recovered and described herein by a detective with the Camden County Prosecutor's Office who serves as Range Master showed that the firearm was operable and capable of being discharged.

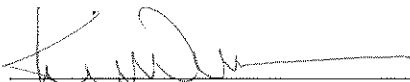
9. The firearm recovered and described herein was manufactured outside of the state of New Jersey. BARATTA's possession of the firearm was in and affecting commerce.

Respectfully submitted,

*SA Nicholas Singer*

Nicholas Singer  
DEA Special Agent

Pursuant to Fed. R. Crim. P. 4.1, DEA Special Agent Singer was sworn and attested to the contents of this affidavit in support of the criminal complaint.



HON. KAREN M. WILLIAMS  
United States Magistrate Judge

Date: March 3, 2021